

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## MODIFICATION TO MUNICIPAL SOLID WASTE PERMIT NO. 2284 CITY OF EL PASO CLINT LANDFILL

Municipal Solid Waste (MSW) Permit No. 2284 is hereby modified as follows:

### Description of Change:

The Site Development Plan and the Site Operating Plan (SOP) of this permit are modified to authorize construction and operation of two leachate evaporation ponds (one is to be on this site and the other is to be on the adjacent landfill site operated under MSW Permit No. 1482). An easement has been established on the MSW Permit No. 1482 site for constructing and operating the evaporation pond by the MSW Permit No. 2284 personnel. In order to comply with all applicable MSW rules, the MSW Permit No. 2284 permittee must be responsible for all aspects of construction and operation of the pond to be located on the MSW Permit No. 1482 site, including those aspects that are not covered by the MSW Permit No. 1482. If odors generated from operating the leachate ponds become a nuisance and cannot be controlled following the Odor Management Plan of the SOP, use of the evaporation ponds must be suspended. The post-closure care cost estimate is revised to be \$2,901,840 in 2007 dollar value.

The details of this permit modification are contained in the application dated April 9, 2007, and the revisions dated July 6, 2007 and August 23, 2007.

### Parts of Permit Modified:

Site Development Plan and Site Operating Plan

This modification is a part of Permit No. 2284 and should be attached thereto.

APPROVED, ISSUED, AND EFFECTIVE in accordance with Title 30 Texas Administrative Code Chapter 305, Section 305.70(l) and Chapter 330.

ISSUED DATE:

APR 19 2010

  
For the Commission

Bryan W. Shaw, Ph.D., *Chairman*  
Buddy Garcia, *Commissioner*  
Carlos Rubinstein, *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 22, 2010

Ms. Ellen Smyth, P.E., Director  
Department of Environmental Services  
City of El Paso  
7969 San Paulo  
El Paso, TX 79907

Re: City of El Paso Clint Landfill - El Paso County  
Municipal Solid Waste (MSW) - Permit No. 2284  
Permit Modification - Site Development Plan and the Site Operating Plan (SOP)  
Tracking No. 11903159; RN101478766/CN601410244

Dear Ms. Smyth:

We have completed the technical review of the modification request dated April 9, 2007, and the revisions dated July 6, 2007 and August 23, 2007 requesting to modify the existing Site Development Plan and the SOP to allow for construction and operation of two leachate evaporation ponds. One of the evaporation ponds will be constructed on the adjacent landfill site operated under MSW Permit No. 1482. The information presented is technically sufficient for a municipal solid waste permit modification.

Enclosed is a copy of the above referenced modification which is now part of your permit and should be attached thereto as part of Attachments A and B. The documentation prepared and submitted to support the modification request shall be considered as requirements of the permit.

If you have questions concerning this matter, please contact Mr. Frank Zeng at (512) 239-1132. When addressing written correspondence, please use mail code MC 124.

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality.

Sincerely,

A handwritten signature in black ink, reading "Richard C. Carmichael".

Richard C. Carmichael, Ph.D., P.E.  
Manager, Municipal Solid Waste Permits Section  
Waste Permits Division

RCC/FZ/ff

cc: Mr. Robert H. (Holly) Holder, P.E., Parkhill, Smith & Cooper, Inc., Lubbock

Enclosure

bcc: Mr. Eddy Vance, TCEQ, Waste Section Manager, Amarillo Regional Office, MC R-1  
Ms. Deborah Wisneski, Finance Assurance, MC 184  
Mr. Keiandre McGruder, TCEQ, Waste Permits Division, MC 126  
Ms. Dawn Dollins, TCEQ, Waste Permit Division, MC 126

Bryan W. Shaw, Ph.D., *Chairman*  
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April 22, 2010

Ellen Smyth, P.E., Director  
Department of Environmental Services  
City of El Paso  
7969 San Paulo Drive  
El Paso, Texas 79907

RE: City of El Paso Clint Landfill  
Permit No. 2284

This letter is your notice that the Texas Commission on Environmental Quality (TCEQ) executive director (ED) has issued final approval of the above-named application. According to 30 Texas Administrative Code (TAC) Section 50.135 the approval became effective on the date the ED signed the permit or other approval. A copy of the final approval is enclosed and cites the effective date.

You may file a **motion to overturn** with the chief clerk. A motion to overturn is a request for the commission to review the TCEQ executive director's approval of the application. Any motion must explain why the commission should review the TCEQ executive director's action. According to 30 TAC Section 50.139 an action by the ED is not affected by a motion to overturn filed under this section unless expressly ordered by the commission.

A motion to overturn must be received by the chief clerk within 23 days after the date of this letter. An original and 7 copies of a motion must be filed with the chief clerk in person or by mail. The Chief Clerk's mailing address is Office of the Chief Clerk (MC 105), TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. On the same day the motion is transmitted to the chief clerk, please provide copies to Robert Martinez, Environmental Law Division Director (MC 173), and Blas Coy, Public Interest Counsel (MC 103), both at the same TCEQ address listed above. If a motion is not acted on by the commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

You may also request **judicial review** of the ED's approval. According to Texas Water Code Section 5.351 a person affected by the ED's approval must file a petition appealing the ED's approval in Travis County district court within 30 days after the effective date of the approval. Even if you request judicial review, you still must exhaust your administrative remedies, which includes filing a motion to overturn in accordance with the previous paragraphs.

Individual members of the public may seek further information by calling the TCEQ Office of Public Assistance, toll free, at 1-800-687-4040.

Sincerely,

A handwritten signature in black ink, appearing to read "LaDonna Castañuela".

LaDonna Castañuela  
Chief Clerk

LDC/er

cc: Blas Coy, TCEQ Public Interest Counsel (MC 103) *via electronic mail*